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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,711

10/03/2005

Kevin John Hartle

29390-1

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06/28/2010

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

ATTN: IP DEPARTMENT DOCKET CLERK

200 PUBLIC SQUARE

SUITE 2300

CLEVELAND, OH 44114-2378

EXAMINER

WILLIAMS, MAURICE L

ART UNIT

PAPER NUMBER

3611

NOTIFICATION DATE

DELIVERY MODE

06/28/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@beneschlaw.com

Office Action Summary	Application No. 10/551,711	Applicant(s) HARTLE, KEVIN JOHN	
	Examiner MAURICE WILLIAMS	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-32,34-46 and 48-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-32,34-46 and 48-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "large" in claim 30 is a relative term which renders the claim indefinite. The term "large" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30 (as best understood), 31-32, 34-40, 42-44, 46, 48-52, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardy (GB 2,265,959) in view of Hess et al. (US 6,340,510). Pardy discloses:

A fluid pressure disturbance damping arrangement, and a method of damping, comprising: an elongate flexible damping hose (**Figs. 2-4**) in fluid communication, thereby configured to contain fluid, with a return line (**Fig. 1**), a non-circular cross

Art Unit: 3611

section area the peripheral wall being responsive to impulsive or vibrational pressure disturbances in the contained fluid to deform and restore locally changing the shape of the cross-section area (col. 1, ln. 30-31) to dissipate energy.

The peripheral wall of the damping hose is arranged to define different cross-sectional areas at different longitudinal positions (**Fig. 5**)

Regarding claims 32 and 46

The peripheral wall is configured to change shape in response to contained fluid pressure disturbances without storing disturbance energy solely as elastic stretching of the peripheral wall (pg. 1, ln. 30-pg. 2, ln. 1)

The damping hose has two opposing first wall parts normally closer together than two orthogonally disposed opposing second wall parts (**Fig. 4**)

The peripheral wall has a shape defining a generally elliptical cross-section. (**Fig. 4**)

The damping hose is provided in fluid communication with the return line of the fluid actuation device and holds hydraulic fluid (**Fig. 1**; pg. 2, ln. 31-32), and is between the actuator and return line (pg. 3, ln. 7-8 explains how connectors are used at **30** to connect the pipes).

The damping hose is of fixed length (**Fig. 1**)

Pardy discloses as discussed above, but does not directly disclose a wall construction of interwoven strands having a substantially fixed cross section. Hess discloses a hose having a wall of a substantially fixed length in the cross sectional plane (Figs. 1) with interwoven strands (**11, 12**). Hess also discloses that the walls contact each other in the absence of pressure (col. 2, ln. 24-26). Col. 1, ln. 62-63 states that the sleeve can

Art Unit: 3611

be placed over objects of irregular shape, which would allow it to conform to the noncircular shape disclosed in Pardy. Therefore, it would have been obvious to a person having ordinary skill in the art to modify Pardy as taught by Hess in order to increase the strength/ resistance of the hose wall and protect the hose.

5. Claims 34, 41, 45, 53, 54 and 58 rejected under 35 U.S.C. 103(a) as being unpatentable over Pardy in view of Hess as applied to claims 30, 42 and 56 above, and further in view of Ozeki (US 6,176,147). Pardy and Hess discloses as discussed above, but does not directly disclose a vehicle power steering rack that supports the damping hose. Ozeki discloses a hose (**54**), which delivers hydraulic fluid (col. 1, ln. 6) and is disposed along a rack casing (**22**).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Pardy as taught by Hess and Ozeki in order to place the damping hose in a hydraulic steering system in a position which will not obstruct the other components in the vehicle.

Response to Arguments

6. Applicant's arguments filed 3/15/2010 have been fully considered but they are not persuasive. The amendments to the claims are not sufficient to overcome the rejections, as Pardy is configured to contain fluid and 'large' is a relative term which fails to patentably distinguish over the prior art, and the combination of Pardy and Hess would be configured to contain fluid. Additionally, the sleeve of Hess deforms;

Art Unit: 3611

therefore, the combination of the reference with Party reads on the independent claims.

The language in column 3 of Hess provides that the material is biased 'yeildably' meaning that deformation is allowed by the sleeve.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m. .

Art Unit: 3611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611

Maurice Williams
Examiner
Art Unit 3611

MLW
June 15, 2010

/LESLEY D MORRIS/
Supervisory Patent Examiner, Art Unit 3611